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WASHINGTON POST
3 APRIL 1983

U.S. Support Bolsters Rebels' Confidence Inside Nicaragua

Washington's Role Troubles Congress

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Congressional opposition is rising to the Reagan administration's not-so-secret war in Nicaragua, one of the most controversial U.S. undercover operations of recent years.

CIA support of paramilitary operations in and around Nicaragua goes back to an authorization by President Reagan in March, 1981, according to authoritative sources. But the secret activity took a new turn with an expanded presidential order in November, 1981, that brought about a sharp increase in U.S.-backed military activity in Nicaragua and, here at home, a sharp increase in press scrutiny, public discussion and congressional uneasiness.

Since its cover was blown in Washington press reports early last year, the "secret war" has been the subject of countless newspaper articles, a magazine cover story, television evening news reports, heated debate in the Senate and House and, since Dec. 21, a highly unusual provision of U.S. law limiting the purposes of the operation.

The legal restriction is known as the Boland amendment, after House Intelligence Committee Chairman Edward P. Boland (D-Mass.), its sponsor in the House. This law says CIA or Defense Department money cannot be spent to support irregular military activities "for the purpose of overthrowing the government of Nicaragua or provoking a military exchange between Nicaragua and Honduras."

A growing number of members of Congress, including senior members of the committees overseeing intelligence matters, are concerned that the spirit and possibly even the letter of the law are being violated. Hearings in secret and perhaps in public are likely soon after Congress returns from Easter recess, and chances appear strong that U.S. support of the undercover war will be restricted further or even banned.

Daniel Patrick Moynihan (D-N.Y.), vice chairman of the Senate Intelligence Committee, said Friday that "a crisis of confidence" is building over this issue between Congress and the intelligence agencies. "It is absolutely necessary that the administration obey the law," said Moynihan, who expressed the view that either the law or the operations must be changed because the current situation is untenable.

The statute, which gave legal standing to an earlier secret directive of the Senate and House Intelligence committees, was adopted in the House in a unanimous 411-to-0 roll call vote. Yet, according to Moynihan, there is "evidence every night on television" that the law is being violated.

Another influential Senate Intelligence Committee member, who asked not to be quoted by name, said, "The quiet cloakroom debate going on is: do we really want to enforce the law?"

Across Capitol Hill, 37 House members headed by Rep. George Miller (D-Calif.) wrote President Reagan to express their concern that the Boland amendment is being violated and to urge "strict compliance" with the law.

One of the signers of the letter, Chairman Michael D. Barnes (D-Md.) of the House Foreign Affairs subcommittee on Latin America, said CIA attorneys argue that continued spending is legal because the "purpose" of the U.S. agencies supplying money and weapons to the insurgents is not to overthrow the Nicaraguan regime, even if the purpose of the guerrillas who receive the support is to do so. "Not a jury in the country would accept this, and the House will not accept it," said Barnes.

The Carter administration reportedly began secret U.S. aid to democratic, non-communist forces in Nicaragua prior to the fall of Anastasio Somoza and the victory of the Sandinista revolution in July, 1979. Those centrist forces did not prosper as Nicaragua turned increasingly to the left.

The Reagan administration came to power with a more hostile view of the Nicaraguan regime, based in part on Reagan's ideology and in part on the belief that the Sandinistas, with Cuban backing, were exporting arms and revolution to their Central American neighbors. On March 9, 1981, according to informed sources, Reagan approved an official "finding," as required by reformist laws on intelligence activities, that a secret program of arms interdiction by the CIA in Central America was "important to the national interest."

About $19.5 million a year was allocated to this program, which is believed to still continue. Compared with what came later, these activities were relatively uncontroversial among Congress' Intelligence committees and others who know of them, since they were seen largely as a secret U.S. response to secret communist military activity.

In the course of 1981, the administration was increasingly frustrated by the military stalemate in El Salvador, Guatemala and other contested areas of Central America. By late fall, Reagan had shelved as too dangerous a plan by then-Secretary of State Alexander M. Haig Jr. involving U.S. naval and air action against Nicaragua and Cuba.

About the same time, the administration closed the book on confidential August-to-October diplomatic exchanges with Nicaragua by Assistant Secretary of State Thomas O. Enders, who had been seeking Sandinista agreement to stop support of revolutionary activity in the region in return for improved relations with Washington, including U.S. economic aid.

In light of those developments, a National Security Council meeting on Nov. 16, 1981, forged a new plan for Central America, including stepped-up U.S. economic and military aid to several countries, tightened economic sanctions against Cuba and "contingency planning" for the use of U.S. military force in case of "unacceptable military